

00-0 -0709

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER CLAIRE MULLER

AN ORDINANCE AMENDING SECTION 2-783(b) DEFENSE IN CIVIL LITIGATION OF THE CITY OF ATLANTA MUNICIPAL CODE OF ORDINANCES TO INCREASE THE WAIVER OF GOVERNMENTAL IMMUNITY FOR THE WAIVER OF GOVERNMENTAL IMMUNITY FOR THE SETTLEMENT OF MOTOR VEHICLE COLLISION CLAIMS FROM \$1,000.00 TO \$2,000.00 AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 19 2000

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred

Public Safety

Referred To:

5/15/00

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair C. Timmons

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

P. S. & L. A.

Date

6/13/00

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
 JUN 19 2000

ATLANTA CITY COUNCIL PRESIDENT

James H. Parker
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 JUN 19 2000

Paula Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 27 2000

MAYOR

Adrian C. Miller
 MAYOR



**CITY COUNCIL
ATLANTA, GEORGIA**

**SUBSTITUTE ORDINANCE
PUBLIC SAFETY COMMITTEE
FOR AN ORDINANCE BY
COUNCILMEMBER CLAIR MULLER**

00-O-0709

**AN ORDINANCE TO AMEND PART TWO,
SECTION 2-783 OF THE CODE OF
ORDINANCES OF THE CITY OF ATLANTA
SO AS TO INCREASE THE WAIVER OF
GOVERNMENTAL IMMUNITY FOR THE
SETTLEMENT OF CLAIMS ARISING FROM
THE OPERATION OF MOTOR VEHICLES
FROM \$1,000.00 TO \$2,000.00; TO REPEAL
CONFLICTING ORDINANCES; AND FOR
OTHER PURPOSES.**

WHEREAS, municipalities in the State of Georgia enjoy immunity from liability for damages caused by operation of its governmental functions; and

WHEREAS, the Georgia Constitution provides for the waiver of immunity by a municipality under certain circumstances; and

WHEREAS, the City of Atlanta currently waives its governmental immunity for the settlement of motor vehicle collision claims in an amount not to exceed \$1,000.00 per accident; and

WHEREAS, the waiver amount has not been increased since 1977; and

WHEREAS, the cost of vehicles and vehicle repairs have greatly increased since 1977; and

WHEREAS, increasing the amount which can be offered for settlement may aid in decreasing the number of lawsuits filed against the City for vehicle damage; and

WHEREAS, Code Section 2-4 is being amended contemporaneously herewith to increase the waiver of governmental immunity from \$1,000.00 to \$ 2,000.00; and

WHEREAS, the amendment of Code Section 2-4 requires that Code Section 2-783 be amended to resolve any conflicts in the ordinances.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
ATLANTA, GEORGIA, as follows:**



Section One: That Part Two, Chapter Two, Article VII, Division 1, Section 2-783, Sub-paragraph (b) of the Code of Ordinances that currently read as follows:

(b) *Immunity of city not waived.* Nothing in this section shall be construed to constitute any waiver by the city of the governmental immunity afforded it under the laws of the state. However, except as specifically set forth in this section, this section shall not apply to those claims or judgments for damages not to exceed the total amount of \$1,000.00 which is authorized pursuant to section 2-4 of this Code and which constitutes a waiver of governmental immunity up to such amount. Nothing in this section shall be construed in any way to reduce or eliminate the rights of any officer or employee against any other party.

Be amended by deleting the foregoing in its entirety, and inserting the following in lieu thereof:

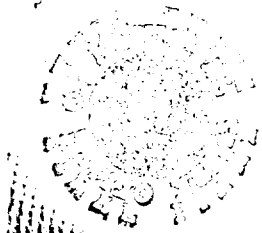
(b) *Immunity of city not waived.* Nothing in this section shall be construed to constitute any waiver by the city of the governmental immunity afforded it under the laws **and constitution** of the state, except as specifically set forth in this section. This section shall not apply to those claims or judgments for damages of **\$2,000.00 or less** which **are** authorized pursuant to section 2-4 of this Code and which constitutes a waiver of governmental immunity **only** up to such amount. Nothing in this section shall be construed in any way to reduce or eliminate the rights of any officer or employee against any other party.

Section Two: That Part Two, Chapter Two, Article VII, Division 1, Section 2-783, Sub-paragraph (h)(3) of the Code of Ordinances that currently read as follows:

(h) *Payment of judgments or monetary settlements.* Where the city has undertaken to defend civil actions brought against officers or employees as provided by this section, the city may, in its sole discretion, by resolution duly adopted and approved, pay all or any part of final judgments awarded against officers or employees by courts of competent jurisdiction or any amount payable as a monetary settlement of any such civil action, subject to the limitations and exclusions which follow:

*** * ***

(3) No sum in excess of \$1,000.00 shall be paid pursuant to this section for damages on account of bodily injury or death resulting there from or for damage to property because of the ownership, maintenance, operation or use of any motor vehicle by the city under its management, control or supervision, as provided for in section 2-4 and with respect to proprietary functions.



Be amended by deleting the foregoing in its entirety, and inserting the following in lieu thereof:

(h) *Payment of judgments or monetary settlements.* Where the city has undertaken to defend civil actions brought against officers or employees as provided by this section, the city may, in its sole discretion, by resolution duly adopted and approved, pay all or any part of final judgments awarded against officers or employees by courts of competent jurisdiction or any amount payable as a monetary settlement of any such civil action, subject to the limitations and exclusions which follow:

* * *

(3) No sum in excess of **\$2,000.00** shall be paid pursuant to this section for damages on account of bodily injury, **death or property damage arising from** the ownership, maintenance, operation or use of any motor vehicle by the city under its management, control or supervision, as provided for in section 2-4.

Section Three: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.



A true copy,

Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

JUNE 19, 2000
June 27, 2000

RCS# 2016
6/19/00
2:32 PM

Atlanta City Council

Regular Session

Consent Agenda Pages (1 - 8)

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0795
00-R-0831

PRESIDENT PITTS RECUSED ON 00-
O-0756.

06/19/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0756* 2. 00-O-0626 3. 00-O-0749 4. 00-O-0760 5. 00-O-0829 6. 00-O-0836 7. 00-O-0709 8. 00-O-0710 9. 00-R-0750 10. 00-R-0817 11. 00-R-0839 12. 00-R-0529 13. 00-R-0813 14. 00-R-0717 15. 00-R-0823 16. 00-R-0841 17. 00-R-0819 18. 00-R-0822 19. 00-R-0828 20. 00-R-0810 21. 00-R-0856 	<ol style="list-style-type: none"> 22. 00-R-0796 23. 00-R-0797 24. 00-R-0798 25. 00-R-0799 26. 00-R-0800 27. 00-R-0801 28. 00-R-0802 29. 00-R-0803 30. 00-R-0804 31. 00-R-0805 32. 00-R-0806 33. 00-R-0807 34. 00-R-0808 35. 00-R-0809 <p>*PRESIDENT PITTS RECUSED ON 00-O-0756.</p>